



February 22, 2001

HOUSE BILL No. 1806

DIGEST OF HB 1806 (Updated February 20, 2001 4:19 PM - DI 105)

Citations Affected: IC 35-38.

Synopsis: Home detention. Requires a probation department or community corrections program supervising a violent offender on home detention to initially notify a law enforcement agency if the violent offender violates the home detention order. Requires to constantly monitor a violent offender. Requires a probation department or community corrections department to develop criteria for determining if a person is a violent offender.

Effective: July 1, 2001.

Mellinger, Crooks, Lutz J

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.
February 21, 2001, amended, reported — Do Pass.

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HB 1806—LS 7799/DI 105+



February 22, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1806

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-38-2.5-4.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. As used in this chapter**
4 **"security risk" means a person who is:**

- 5 (1) a flight risk; or
6 (2) a threat to the physical safety of the public.

7 SECTION 2. IC 35-38-2.5-4.7 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2001]: **Sec 4.7. As used in this chapter**
10 **"violent offender" means a person who is:**

- 11 (1) convicted of an offense or attempted offense, except for an
12 offense under IC 35-42-4 or IC 35-46-1-3, under
13 IC 35-50-1-2(a);
14 (2) charged with an offense or attempted offense listed in
15 IC 35-50-1-2(a); or
16 (3) a security risk as determined under section 10 of this
17 chapter.

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SECTION 3. IC 35-38-2.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) **Each probation department or community corrections department shall establish written criteria and procedures for determining whether an offender or alleged offender that the department supervises on home detention qualifies as a violent offender.**

(b) **A probation or community corrections department shall use the criteria and procedures established under subsection (a) to establish a record keeping system that allows the department to quickly determine whether an offender or alleged offender who violates the terms of a home detention order is a violent offender.**

(c) **A probation department or a community corrections program charged by a court with supervision of offenders and alleged offenders ordered to undergo home detention shall provide all law enforcement agencies having jurisdiction in the place where the probation department or a community corrections program is located with a list of offenders and alleged offenders under home detention supervised by the probation department or the community corrections program. The list must include the following information about each offender and alleged offender:**

- (1) The offender's name, any known aliases, and the location of the offender's home detention.
- (2) The crime for which the offender was convicted.
- (3) The date the offender's home detention expires.
- (4) The name, address, and telephone number of the offender's supervising probation or community corrections program officer for home detention.
- (5) **An indication of whether the offender or alleged offender is a violent offender.**

(d) **Except as provided under section 6(1) of this chapter, a probation department or community corrections program charged by a court with supervision of offenders and alleged offenders ordered to undergo home detention shall, at the beginning of a period of home detention, set the monitoring device and surveillance equipment to ensure that the offender or alleged offender may not enter another residence or structure without a violation.**

SECTION 4. IC 35-38-2.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) **A probation department or community corrections program charged by a court with supervision of a violent offender placed on home detention under**

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1 this chapter shall cause a local law enforcement agency described
2 in section 10 of this chapter to be the initial agency contacted upon
3 determining that the violent offender is in violation of a court
4 order for home detention.

5 (b) A probation department or community corrections program
6 charged by a court with supervision of a violent offender placed on
7 home detention under this chapter shall maintain constant
8 supervision of the violent offender using a monitoring device and
9 surveillance equipment. The supervising entity may do this by:

- 10 (1) using the supervising entity's equipment and personnel; or
11 (2) contracting with an outside entity.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1806, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-38-2.5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. As used in this chapter "security risk" means a person who is:**

- (1) a flight risk; or**
- (2) a threat to the physical safety of the public.**

SECTION 2. IC 35-38-2.5-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec 4.7. As used in this chapter "violent offender" means a person who is:**

- (1) convicted of an offense or attempted offense, except for an offense under IC 35-42-4 or IC 35-46-1-3, under IC 35-50-1-2(a);**
- (2) charged with an offense or attempted offense listed in IC 35-50-1-2(a); or**
- (3) a security risk as determined under section 10 of this chapter.**

SECTION 3. IC 35-38-2.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10. (a) Each probation department or community corrections department shall establish written criteria and procedures for determining whether an offender or alleged offender that the department supervises on home detention qualifies as a violent offender.**

(b) A probation or community corrections department shall use the criteria and procedures established under subsection (a) to establish a record keeping system that allows the department to quickly determine whether an offender or alleged offender who violates the terms of a home detention order is a violent offender.

(c) A probation department or a community corrections program charged by a court with supervision of offenders and alleged offenders ordered to undergo home detention shall provide all law enforcement agencies having jurisdiction in the place where the probation department or a community corrections program is located with a list of offenders and alleged offenders under home detention supervised by the probation department or the community corrections program.

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The list must include the following information about each offender **and alleged offender:**

- (1) The offender's name, any known aliases, and the location of the offender's home detention.
- (2) The crime for which the offender was convicted.
- (3) The date the offender's home detention expires.
- (4) The name, address, and telephone number of the offender's supervising probation or community corrections program officer for home detention.
- (5) An indication of whether the offender or alleged offender is a violent offender.**

(d) Except as provided under section 6(1) of this chapter, a probation department or community corrections program charged by a court with supervision of offenders and alleged offenders ordered to undergo home detention shall, at the beginning of a period of home detention, set the monitoring device and surveillance equipment to ensure that the offender or alleged offender may not enter another residence or structure without a violation."

Page 1, line 3, after "Sec.12." insert "(a)".

Page 1, line 5, delete "an" and insert "**a violent**".

Page 1, line 8, after "the" insert "**violent**".

Page 1, after line 9, begin a new paragraph and insert:

"(b) A probation department or community corrections program charged by a court with supervision of a violent offender placed on home detention under this chapter shall maintain constant supervision of the violent offender using a monitoring device and surveillance equipment. The supervising entity may do this by:

- (1) using the supervising entity's equipment and personnel; or**
- (2) contracting with an outside entity."**

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1806 as introduced.)

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

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